

**CALIFORNIA POLLUTION CONTROL  
FINANCING AUTHORITY**

915 Capitol Mall, Room 457  
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**January 30, 2009**

**NOTICE OF MODIFICATIONS TO TEXT  
OF PROPOSED REGULATIONS**

**MEMBERS:**

Bill Lockyer, Chairman  
*State Treasurer*

John Chiang  
*State Controller*

Michael C. Genest, Director  
*Department of Finance*

**EXECUTIVE DIRECTOR:**

Michael Paparian

Thank you for participating in the rulemaking process for the CALReUSE Program (Program), governed by California Code of Regulations Division 11, Title 4, Article 9, Section 8090 through 8102.515 (the "Regulations"). Pursuant to the requirements of Government Code Section 11346.8(c), and Section 44 of Title 1 of the California Code of Regulations, the California Pollution Control Financing Authority ("Authority" or "CPCFA") is providing notice of changes made to proposed regulation sections 8102(l) and 8102(n).

The changes modify the Regulations to reflect that an Infill Loan Agreement and Infill Grant Agreement will be between the Applicant and the Authority. This modification is necessary to be consistent with the design of the program, specifically to provide that the legal agreements under the Program are between the Authority and an Applicant that has received an award, and that Infill Grant Agreements and Infill Loan Agreements reflect this contractual relationship.

Enclosed please find the proposed changes to the Regulations, which are denoted by "double strikeouts" for deleted language and "double underlines" for added language. If you have comments regarding the proposed changes, the Board will accept written comments between January 30, 2009 and February 17, 2009. All written comments must be submitted to the Authority no later than 5:00 p.m. on February 17, 2009 and addressed to:

Deana Carrillo, Program Manager  
California Pollution Control Financing Authority  
915 Capitol Mall, Room 457  
Sacramento, CA 95814  
[calreuse@treasurer.ca.gov](mailto:calreuse@treasurer.ca.gov)

All written comments received by February 17, 2009, which pertain to the indicated changes will be reviewed and responded to by the Authority's staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.

**TEXT OF REGULATIONS FOR ADOPTION**  
**CALIFORNIA CODE OF REGULATIONS**  
**Title 4. Business Regulations,**  
**Division 11. California Pollution Control Financing Authority**  
**Article 9. California Recycle Underutilized Sites (CALReUSE) Program**

**§ 8102. Brownfield Infill Project Program Definitions.**

In addition to, or in place of the definitions contained in Section 8090, the following definitions shall govern construction of the Brownfield Infill Project Program.

[(a)-(k)           No Change]

(l) “Infill Grant Agreement” means a written agreement for an Infill Grant entered into between:

- (1) An Applicant and ~~a Strategic Partner~~ the Authority; or
- ~~(2) An Applicant and the Authority, where the Authority has elected to act as a Strategic Partner pursuant to Section 8102.11(d); or~~
- ~~(3) An Applicant and the Authority in the event the Strategic Partner is unable to act due to a conflict of interest as defined in the Political Reform Act (Government Code Sections 81000 — 91014);~~
- ~~(4)~~ (2) A Strategic Partner and the Authority pursuant to Section 8102.12.

[(m)           No Change]

(n) “Infill Loan Agreement” means a written agreement for an Infill Loan entered into between:

- (1) An Applicant and ~~a Strategic Partner~~ the Authority; or
- ~~(2) An Applicant and the Authority, where the Authority has elected to act as a Strategic Partner pursuant to Section 8102.11(d); or~~
- ~~(3) An Applicant and the Authority in the event the Strategic Partner is unable to act due to a conflict of interest as defined in the Political Reform Act (Government Code Sections 81000 — 91014);~~
- ~~(4)~~ (2) A Strategic Partner and the Authority pursuant to Section 8102.12.

[(o)-(y)           No Change]

Note: Authority cited: Section 44520, Health and Safety Code. Reference: Sections 44501, 44502, 44504.1, 44505, 44506, 44507, 44508, 44520, 44525, 44525.7, 44526(h), 44526(h)(1), 44526(i), 44537.5, 44548(a), 44548(b), 53545 and 53545.14, Health and Safety Code.